

April 29, 1994

**FACT SHEET**

**FINAL RULE: EQUIVALENT EMISSION LIMITATIONS UNDER  
THE CLEAN AIR ACT §112(J)**

**WHAT IS SECTION 112(J) OF THE CLEAN AIR ACT?**

- o Section 112(j) establishes a fail-safe mechanism for States to regulate major sources of hazardous air pollution, in the event that EPA fails to meet the regulatory deadlines required by the air toxics provisions of the Clean Air Act.
- o Hazardous air pollutants (or air toxics) are pollutants known or suspected of causing cancer or other serious health effects (i.e. reproductive effects). Major sources are defined as industrial facilities that emit 10 tons per year or more of a hazardous air pollutant listed in the Clean Air Act, or 25 tons or more per year of a combination of listed hazardous air pollutants.
- o If EPA misses a regulatory deadline by 18 months, Section 112(j) requires major sources emitting hazardous air pollution to apply to the State (or local) permitting authority for revisions to their operating permits. Their revised permits must contain emission limits equivalent to the limits that EPA should have established.
- o In conjunction with today's rule, EPA released "MACT Determinations Under Section 112(j)," a guidance document that provides information on determining control technologies to meet the required emissions limits. MACT is "maximum achievable control technology," a level of control for air toxics established by Congress in the Clean Air Act.

**TO WHOM DOES SECTION 112(J) APPLY?**

- o This rule applies to:
  - (1) Owners and operators of major sources of hazardous air pollutant emissions; and to
  - (2) State or local air pollution control agencies.

#### **HOW DOES SECTION 112(J) WORK?**

- o The Clean Air Act requires EPA to issue regulations over a 10-year schedule to control emissions of 189 hazardous air pollutants listed in the Act.
- o EPA has published a list of 174 categories of industrial sources that emit these pollutants, as well as a schedule by which they will be regulated.
- o If EPA misses one of these deadlines, the 112(j) rule requires that, within 18 months, each owner or operator of a "major source" of hazardous air pollutant emissions in that source category must submit an application to the State (or local) permitting authority for a revised permit.
- o The State (or local) permitting authority must review and approve the permit application under operating permit procedures established under the Clean Air Act Amendments of 1990.
- o The revised permit must contain emission limits that are equivalent to the maximum achievable control technology or MACT limits that EPA would have required.
- o The rule also establishes, and encourages States to adopt, a voluntary preconstruction review process for new sources of hazardous air pollutant emissions.
- o As mandated by the Clean Air Act, when EPA subsequently issues a delayed MACT standard, the source must revise its permit, as necessary, to ensure continued compliance with the law.

#### **WHAT ARE THE BENEFITS?**

- o **Public Health / Environment:**

The new air toxics programs required under the Clean Air Act are meant to achieve significant reduction in risk to public health and the environment. Today's rule will ensure that the necessary emission reductions will occur even if EPA fails to promulgate needed air toxics regulations.

o **Industry:**

The 112(j) rule establishes, consistently across States, both:

- (i) a step-by-step process for case-by-case MACT determinations, and
- (ii) specific requirements for the content of permits.

This added clarity and consistency should reduce costs and time involved in permitting and enforcement.

o **States and Local Government:**

Today's rule will assist State and local permitting authorities in reducing air toxics according to the schedule mandated by the Clean Air Act, and will ensure that their standards are equivalent to the limits EPA would have set. This added clarity and consistency should reduce regulatory agency costs and time involved in permitting and enforcement.

**FOR FURTHER INFORMATION**

Anyone with a computer and a modem can download the rule and the guidance document from the Clean Air Act board of EPA's electronic Technology Transfer Network bulletin board by calling (919) 541-5742. For further information about how to access the board, call (919) 541-5384. For further information about the rule, contact Kathy Kaufman at (919) 541-0102. To order a copy of the "MACT Determinations for 112(j) [453/R-94-026]," call (919) 541-2777.